IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21949 of 1998

DATED: 24.1.2007

Between:

T.Venkata Subba Rao & ors petitioners

And

The Member Secretary,

A.P.S.E Board, Vidyut Soudha & ors Respondents

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THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO. 21949 OF 1998

ORAL ORDER:

This writ petition is filed seeking a declaration that B.P.Ms. No. 271 dated 31.12.1997 is not applicable to the petitioners and to appoint them in terms of B.P. Ms. No. 36 dated 18.5.1997.

The petitioners claim that they were working as Village Electricity Workers since 1990 in Macherla, Narsaraopet, Tenali and Guntur divisions of Guntur circle and entitled to benefits under B.P.Ms.No. 36 dated 18.5.1997. In terms of the said proceedings, they were interviewed along with other candidates. In pursuance of the interviews, 77 Village Electricity workers were selected, out of which 66 persons

were appointed and 11 persons were yet to be appointed including the petitioners who stood at serial nos. 74, 73 and 77 respectively. The petitioners claim that there are 80 left over vacancies in Vijayawada circle and the petitioners can be accommodated and appointed in the said vacancies.
It is also stated that the second respondent addressed a letter dated 5.5.1998 to the Director Personnel to consider the cases of left over 11 persons including the petitioners in the Vijayawada circle and the Board by its proceedings dated 20.6.1998 rejected the said proposal on the ground that the unit of operation for filling up of 50% of vacancies is "Circle/Generating Stations" in terms of B.P.Ms.No.271 dated 31.12.1997. Hence, the present writ petition.

Learned standing counsel for respondents submitted that in terms of clause 5 (ii) of B.P.Ms.No. 271 dated 31.12.1997 the unit of operation is respective Circle/Generating station and petitioners cannot seek allotment to other units and there are no grounds to interfere with the matter.

None appeared for the petitioners. Heard the learned standing counsel for respondents and perused the material available on record.

The core issue in the present writ petition is with regard to prescription of unit of operation as Circle/Generating Station.
The petitioners admittedly belong to Guntur circle and seek appointment in left over vacancies in another circle i.e., Vijayawada on the basis of internal correspondence of second respondent vide its letter 5.5.1998 with the Director Personnel seeking permission to allot the left over candidates in a circle taking zone as a unit. The said request of the second respondent was negatived by the first respondent vide memo dated 20.6.1998 directing the second respondent to strictly follow the instructions issued by the Board in para 5 (ii) of B.P. Ms. No. 271 dated 31.12.1997. Clause 5 (ii) of B.P.Ms.No. 271 dated 31.12.1997, prescribe the unit of operation is circle/generation station, which reads as under;

> "5 (ii). **UNIT OF OPERATION:** The candidates of the above categories have to be considered in the respective Circles/Generating Stations against 50% vacancies existing as on 18.5.1997."

The proceedings in B.P. Ms. No. 271 dated 31.12.1997 were issued after reaching an agreement by the A.P.State Electricity Board with the recognized unions which specify that the unit of operation is concerned Circle/Generating Station. The memo of the first respondent dated 20.6.1998 is in accordance with the Board proceedings in B.P.Ms.No. 271 dated 31.12.1997 and the same cannot be said to be illegal or discriminatory warranting interference of this Court.

There are no merits in the writ petition. Accordingly, the same is dismissed. No costs.

N.V.RAMANA,J

DATE: 24.1.2007

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THE HON'BLE MR JUSTICE N.V. RAMANA

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